

EXHIBIT E

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January 18, 2018

Joshua Harms
1009 9th Street
Sibley, Iowa 51249

Re: City of Sibley
shouldyoumovetosibleyia.com

Dear Mr. Harms:

Iowa, like other states, recognizes a type of lawsuit called "slander of title", which involves the disparagement of real estate. "There are five elements to a slander-of-title action: (1) an uttering and publication of slanderous words; (2) falsity of those words; (3) malice; (4) special damages to the plaintiffs; and (5) an estate or interest of the plaintiff in the property slandered. *Henderson v. Millis*, 373 N.W.2d 497, 506 (Iowa 1985); *Belcher v. Little*, 315 N.W.2d 734, 736 (Iowa 1982); *Witmer v. Valley Nat'l Bank*, 223 Iowa 671, 673, 273 N.W. 370, 371 (1937)." *Davitt v. Smart*, 449 N.W.2d 378, 379 (Iowa 1989).

The web site in its previous form was disparaging property in Sibley. That in turn would lead, and I believe has led, to reduction in taxable value of the property that forms the city's tax base, especially property in the vicinity of the plant. Malice is shown in this instance by the fact that you renewed the domain name registration of the web site this past summer to keep it alive, despite the progress made; specifically chose a web site name targeted to people who would want to locate and buy property in Sibley; and continued to include a statement on the web page which claimed it was current as of every viewing date for anyone viewing it. As of the time I wrote you, your web site claimed to reflect current reality, so the statements were factually false. You are a web site developer and certainly knew you were continuing to publish information that was no longer true, but was being presented as if it were. The city has an interest in the property being slandered because it constitutes its taxable base.

In short, that line of reasoning was the legal and factual basis for the threat of litigation.

I am writing on my own time to explain this, since you or the lawyer you consulted apparently did not view the legal issues from the same perspective that I did. I generally find that if I think another person of reasonable intelligence is making a stupid argument, it means that I misconstrued it, or even mistakenly attributed the argument to the person involved. I was not in this case trying to convey a legal argument to you—my purpose was not to write a brief—

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so this is an instance where unfounded legal arguments are being mistakenly attributed to me on your web site.

You are of course within your legal rights to publish the web site in its current form, although my personal opinion is that you would do better to spend your time doing something more helpful to the community. As I mentioned, your web site in its previous form affected the decision of a doctor who was looking at Sibley as a possible home. Many people volunteer their time to the hospital and other community institutions to keep the town going, but it only takes one negative act to undo all that effort. Exercising your rights is not the same as exercising them responsibly.

Obviously this letter is not a threat of litigation and is not in any way intended to deter your exercise of your legal rights.

Sincerely,

DEKOTER, THOLE,
DAWSON & ROCKMAN, P.L.C.

A handwritten signature in black ink, appearing to read "Daniel E. DeKoter", written over the typed name.

Daniel E. DeKoter

DDK:srk